

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:10cv264**

**MAX BAILY; MARGARET DALTON,)
CARLTON BILL HUNTLEY, K.C.,)
by his guardian *ad litem* Robert C.)
Carpenter, Esq., A.D., by her guardian)
ad litem James W. Kilbourne, Jr., Esq.,)
and STEVE MARLOWE)**

Plaintiffs,

v.

ORDER

**POLK COUNTY, NORTH CAROLINA,)
POLK COUNTY SHERIFF'S)
DEPARTMENT, MATT PRINCE,)
TRENT CARSWELL, CHRIS ABRIL,)
CHARLES GRADY SHEHAN,)
UNKNOWN POLICE OFFICERS,)
and OTHER UNKNOWN STATE AND)
FEDERAL LAW ENFORCEMENT)
AGENCIES,)**


Defendants.

Pending before the Court is Plaintiffs' Unopposed Motion to Substitute Party [# 26]. Plaintiffs move pursuant to Rule 25(a) to substitute Casey Joe Huntley for Plaintiff Carlton Bill Huntley, who died on December 21, 2010. Casey Joe Huntley has been appointed the Personal Representative of the Estate of Carlton Bill Huntley. Defendants do not object to the substitution of parties in this case.

Rule 25 provides that upon the death of a party to a civil action, the Court may

order the substitution of the proper party upon a motion for substitution made by the decedent's representative. Fed. R. Civ. P. 25(a). Casey Joe Huntley is the representative of the deceased, Carlton Bill Huntley. Accordingly, the Court **GRANTS** Plaintiffs' Unopposed Motion to Substitute Party [# 26]. The Court **DIRECTS** the Clerk to **SUBSTITUTE** Casey Joe Huntley, as the personal representative of the Estate of Carlton Bill Huntley, for Carlton Bill Huntley as Plaintiff in this action.

Signed: April 4, 2011

A handwritten signature in cursive script, reading "Dennis L. Howell", written over a horizontal line.

Dennis L. Howell
United States Magistrate Judge

